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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,058	04/01/2004	J. Brian Bagwell	32984-01	9636

7590 01/18/2006

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EXAMINER
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NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/816,058	Applicant(s) BAGWELL, J. BRIAN	
	Examiner Jimmy T. Nguyen	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,6-8,10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4,6-8,10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Response to Amendment*

The amendment filed on October 24, 2005 has been entered and considered. This Office action contains newly cited prior art and the indication of allowable subject matter in the previous Office Action has been withdrawn. This Office action is therefore not made final.

Inconvenience to the applicant is regretted.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

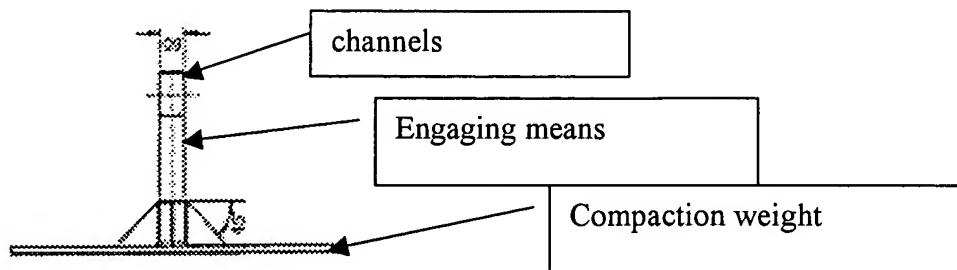
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Der Gri (hereinafter “VDG”) (NL9201663).**

Regarding claim 1, VDG discloses a compaction system comprising: a forklift apparatus (see abstract, line 3); and a compaction weight (see abstract, line 2, i.e. pressure exerting block), the weight include a top surface, an opposing bottom surface, and sidewalls that are perpendicular to the top and bottom surfaces and that connect the top and bottom surfaces (i.e. connect at each corners) (see the illustration below), and engaging means (see the illustration below) being carried on top of the top surface, wherein the forklift has a plurality of tines (see abstract, line 5) and wherein the engaging means engage the plurality of tines so that the forklift apparatus can lift the compaction weight (see abstract).

Regarding claims 2 and 4, the engaging means is dimensioned to receive the plurality of tines and is formed integrally with the top surface (see the illustration below).



### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over VDG in view of Reed et al. (hereinafter "Reed") (US 5,692,583).** VDG discloses the compaction weight as set forth above, VDG does not disclose means for securing the compaction weight to the forklift apparatus. However, the patent to Reed teaches an element (fig. 3) having an element for engaging (18', 20') a plurality of tines (12, 14), Reed teaches a means for securing (26, 28) the element to the forklift apparatus in order to prevent the element from sliding off the tines (col. 3, lines 1-3). Therefore, it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to provide VDG with a securing means, as taught by Reed, in order to prevent the compaction weight from sliding off the tines.

**Claims 7, 8, 10, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over VDG in view of Gould (US 4,156,386).**

Regarding claims 7, 13 and 15, VDG discloses the compaction system and a compacting method substantially as claimed (see similar discussion in the rejection to claim 1 above). VDG discloses the compacting weight is dimensioned to be received by a container (see abstract, line 2). VDG discloses the compaction system as claimed, and thus, VDG performs the compacting method as claimed in order to compact the refuse. As to the specific type of container is being a roll off container, the patent to Gould can be applied to show a compaction system (fig. 11) having a roll off container (10) for containing refuse to be compacted therein. Gould teaches the use of the roll off container in order to easily transport the container to another location. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide VDG with the type of container (i.e. roll off container) as taught by Gould, in order to easily transport the container to another location.

Regarding claims 8 and 10, the engaging means is dimensioned to receive the plurality of tines and is formed integrally with the top surface (see the illustration above).

**Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over VDG and Gould, in further in view of Reed et al. (hereinafter "Reed") (US 5,692,583).**

VDG, as modified by Gould, discloses the invention substantially as claimed as set forth above except for a means for securing the compaction weight to the forklift apparatus. However, the patent to Reed teaches an element (fig. 3) having an element for engaging (18', 20') a plurality of tines (12, 14), Reed teaches a means for securing (26, 28) the element to the forklift apparatus in order to prevent the element from sliding off the tines (col. 3, lines 1-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide VDG with a securing means, as taught by Reed, in order to prevent the compaction weight from sliding off the tines.

### *Conclusion*

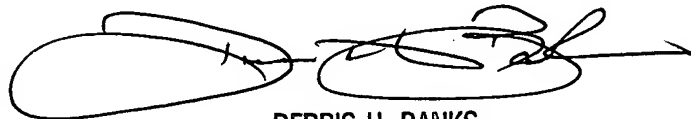
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show various compacting system with the use of a forklift.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen  
September 08, 2005

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a horizontal line extending to the right.

DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700